

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

JOHN R. STEFFEN,

Defendant(s).

)
)
)
)
)
)
)
)
)
)
)

Case No. 4:10CR371 JCH

ORDER

This matter is before the Court on Defendant's pre-trial Motion to Dismiss Indictment for Insufficiency and Failure to State an Offense (Doc. No. 29). Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Mary Ann L. Medler, who filed a Report and Recommendation on October 25, 2010. Neither party submitted objections to the Report and Recommendation.

Magistrate Judge Medler recommends that the Court grant Defendant's Motion to Dismiss Indictment for Failure to State an Offense, and dismiss the Indictment. After de novo review of the entire record in this matter, the Court adopts the Magistrate Judge's recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [Doc. No. 43] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Indictment for Failure to State an Offense [Doc. No. 29] is **GRANTED**, and the Indictment in this matter [Doc. No. 1] is **DISMISSED**.

IT IS FURTHER ORDERED that Defendant's Alternative Motion to Dismiss the Indictment for Insufficiency [Doc. No. 29] is **DENIED** as moot.

Dated this 9th day of November, 2010.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE